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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,517	05/08/2007	Kenji Ota	0020-5483PUS1	1726

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BIRCH STEWART KOLASCH & BIRCH  
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EXAMINER
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GARCIA, CARLOS E

ART UNIT	PAPER NUMBER
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2627

NOTIFICATION DATE	DELIVERY MODE
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05/11/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/578,517	<b>Applicant(s)</b> OTA ET AL.	
	<b>Examiner</b> CARLOS E. GARCIA	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2011.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 4-16 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/14/2010, 05/08/2006</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

### **EX PARTE QUAYLE**

1. This application is in condition for allowance except for the following formal matters:

Claims 1-6 were elected with traverse in the response filed on November 10<sup>th</sup>, 2010 to the restriction requirement as mailed on October 15<sup>th</sup>, 2010. However, no arguments were given for the traverse. Therefore, the restriction requirement is held as proper.

Claims 1-3 were elected without traverse in the response filed February 11<sup>th</sup>, 2011 for the species election requirement mailed on January 14<sup>th</sup>, 2011.

Correspondingly claims 4-16 were withdrawn from consideration. Claims 1-3 were examined and determined to be allowable. Claims 4-16 were not rejoined since those claims do not include all the limitations of claims 1-3 for which claims 1-3 are considered allowable.

A phone call was made to John Bailey on May 6<sup>th</sup>, 2011, to confirm cancellation of withdrawn claims 4-16, but confirmation could not be made at the time.

2. Furthermore, the title of invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Tape Drive with Cartridge Thickness Detecting Sensors".

3. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

### ***Allowable Subject Matter***

4. The following is an examiner's statement of reasons for allowance:

As the closest reference for claim 1, Suzuki (US 5793565 A) discloses a tape drive (Fig.2A-20) applicable to either of a thin-type and a thick-type tape cartridges having different case thicknesses (abstract) respectively in common therewith,

wherein the tape drive comprises a loading frame 6 for receiving and supporting the tape cartridge loaded through a loading mouth 4 and a holder 11 (cassette pressing mechanism) for pressing and holding the tape cartridge in cooperation with the loading frame (Fig.2G-2H for example; col.11, lines 48-64),

the loading frame comprises a bottom wall 6a for supporting a lower surface of the tape cartridge and side walls 6b projected from left and right ends of the bottom wall to restrain swinging (side plate walls prevent excessive swinging of either tape cartridge by way of stoppers 34) of the tape cartridge in the left and right directions (Fig.3-5; col.12, lines 30-41), and

the holder is vertically movable between an upper position in contact with an upper surface of the thick-type cartridge so as to press and hold the thick-type tape cartridge and a lower position in contact with an upper surface of the thin-type tape cartridge so as to press and hold the thin-type tape cartridge and is normally positioned at the upper position (described in col.14, line 49 to col.15, line 40).

However, Suzuki **fails to show**:

*“a pair of upper and lower sensors provided at the side wall of the loading frame for identifying the thin-type and the thick-type tape cartridges, an effective point of the lower sensor being located below a reference height defined by the upper surface of the thin-type tape cartridge, and an effective point of the upper sensor being located above the reference height,*

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*whereby when only the lower sensor is turned ON by the tape cartridges loaded through the loading mouth, the holder is displaced from the upper position to the lower position so as to press and hold the thin-type tape cartridge for making the cartridge vertically immovable”.*

Such limitation describes the key component of the elected invention, primarily the pair of sensors, placed in a vertical orientation so as to detect the cartridge thickness and control the holder movement.

These features, in combination with the other features of the claims, are not anticipated by, nor made obvious over, the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

### ***Conclusion***

5. The prior art made of record in PTO-892 Form and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARLOS E. GARCIA whose telephone number is (571)270-1354. The examiner can normally be reached on M-Th 9am-5pm F 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Craig Renner can be reached on 571-272-7580. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carlos E Garcia/  
Examiner, Art Unit 2627  
5/4/2011

/Craig A. Renner/  
Supervisory Patent Examiner, Art Unit 2627